

March 27, 1973

PRESIDENT: Well, why don't you stand by just a minute. Senator Richard Lewis there in the back was next to speak. Senator Lewis, do you...if we bracket the bill or...do you have any comment. All right. By Pass. All right. Senator Carpenter, Senator Luetke has..Senator Luetke, Senator Carpenter has a question of you. Do you yield?

SENATOR CARPENTER: I'll object temporarily.

PRESIDENT: All right.

SENATOR CARPENTER: As Senator, we passed out of the Judiciary Committee a bill which clothed the Fire Marshall with a lot of authority. We did it knowing full well that we have the problem particularly in jails, that is all I am talking about, that, heretofore, was the responsibility of the courts and other people. The law was not complied with and that the living conditions should not be allowed to exist. Now, will you expand a little bit. You are more knowledgeable in this field than I am, but I think what you have to say we ought to listen to.

SENATOR LUEDTKE: Well, Senator Carpenter, in answer to your question, you're talking about the Safety Code as it applies to jails and this was, primarily, the reason why we were able to have the Fire Marshall crack down on the jail conditions which exist in this state and they were very bad and it got to the point where there was not enough inspection going on that we could determine whether or not the jails should be closed, whether they were unsafe, and when we finally did get a report, it was proved that about 90% of the jails in the state of Nebraska were unsafe, actually, for 24 hrs...there was no 24 hr. surveillance. There was no ample protection of the individuals being incarcerated there and it was only, and I stress this, only through the Fire Marshall's authority that we were able to get at this problem, and only through the Fire Marshall's investigation under this act were we able to get the district judges who are responsible for these jails to come in and close up the jail. And they are now doing so and we are effecting some much needed changes in the area of protecting people who are incarcerated in these jails, and whether we like it or not or whether we like these people or not, we owe it to all who are incarcerated because remember many of them are presumed to be innocent. They are not...they are not even found guilty. They are just waiting trial and here we have people presumed to be innocent awaiting trial, not that it makes any difference as far as life, but we certainly owe it to them to have the jails inspected and if there is something wrong, that they be closed up. And this did allow us to do that, Senator Carpenter.

PRESIDENT: Senator Carpenter.

SENATOR CARPENTER: I do not intend to object except I wanted to have Senator Luedtke explain and I want to say this in favor of the Fire Marshall, and I am only talking about this area. In this area, he was superb. He was the catalyst that got these things going and getting a change. Until he acted, we were not getting any results and I hope that whatever you do with this bill, you don't do anything to preclude the authority he now has, only in the area of jails.

PRESIDENT: Are there any objections, then, to bracketing LB 180. I believe, Senator Kelly requested it till next Monday. Is that correct? Thank you. Any objections to bracketing the bill? Senator Duis. All right. So ordered, then. We will bracket LB 480...180, excuse me, until Monday. Now, Senator Duis, for what purpose do you rise?

SENATOR DUIS: Mr. President, I have been advised that I